IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1347 (S/S) of 2004

Ramesh Kumar Goliyan,
S/o late Sri Kripa Ram
Presently posted as Assistant Jalagam,
(Formerly Assistant Soil Conservation Inspector)
Director, Jalagam Prabandh Unit Kirtinagar,
District – Tehri Garhwal.

...Petitioner

Versus

1. State of Uttaranchal through Secretary, Agriculture, Secretariat Complex, Dehradun.
2. Director, Agriculture, Camp Prem Nagar, Nanda ki Chawki, Dehradun.
3. Sri Madan Lal, Incharge, Director Agriculture, Camp Prem Nagar, Nanda ki Chawki, Dehradun.
4. Chandan Singh Mehra, Inquiry Officer, Joint Director, at Camp Prem Nagar, Nanda ki Chawki, Dehradun.
5. Joint Director, Agriculture, Garhwal Mandal, Pauri, District – Pauri.
6. Assistant Director, Jalagam, Jalagam Prabandhan Unit, Kirtinagar, District Tehri Garhwal.

...Respondents

Sri Navneet Kaushik, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Navneet Kaushik, learned counsel for the petitioner as well as learned Standing Counsel.

By means of this writ petition, the petitioner has prayed for issuance of direction in the nature of certiorari quashing the order dated 23.06.2004 and 21.9.2004 passed by opposite party no. 3 – Director, Agriculture. By

order dated 23.06.2004 recovery of sum of Rs 68,260.00 is sought to be recovered from the petitioner's salary and not to take any responsible work from the petitioner for next three years. By order 21.9.2004, the immediate officer of the petitioner has been asked to deduct a sum of Rs. 68260.00 from his salary. This order was passed after the inquiry was conducted against the petitioner. The petitioner was found guilty. The petitioner has submitted that he has already availed the alternative remedy by way of filing appeal before the Secretary, Agriculture under Rule 11 of the Uttaranchal Government Servant Discipline and Appeal) Rules 2003. The appeal is still pending and has yet not been decided. Since the petitioner has already availed the alternative remedy under Rule 11 of the Uttaranchal Government Servant (Discipline and Appeal) Rules 2003, the Appellate Authority is directed to decide the appeal within six weeks from today and till the disposal of appeal the recovery from the petitioner shall not be made.

With these direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

November 23, 2004:
S.K.Sharma